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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,354	02/24/2004	Joseph H. Morgan	1855350-2	1417
22824	7590	11/17/2004	EXAMINER	
DONALD R. SCHOONOVER 4211 ROLLING HILLS DRIVE NIXA, MO 65714-8771			HAYES, BRET C	
		ART UNIT		PAPER NUMBER
				3644

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/785,354	MORGAN ET AL.
Examiner	Art Unit	
Bret C Hayes	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 3-8 and 10-13 is/are allowed.
- 6) Claim(s) 1,2,9 and 14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 February 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/24/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 9 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 recites the limitation "said body" in section d), subsection (6), line 2. There is insufficient antecedent basis for this limitation in the claim. This should be --said body unit--.
4. Claim 2 recites the limitations "the flexed configuration" in section k), line 5, and "the unflexed configuration" in lines 8 and 9. There is insufficient antecedent basis for these limitations in the claim. These should be --the flexed condition-- and --the unflexed condition--, respectively.

5. Claim 9 recites multiple limitations, including but not limited to: "the handle portion" (3X) in section a), subsection (6), lines 1 and 2, subsection (7), line 2, and section b), subsection (1), lines 3 and 4; "the wall" (6X) in section b), subsection (1), lines 1 and 3, subsection (2), line 1, section b), subsection (2), line 1, section d), subsection (1), lines 1 and 3, and subsection (2), line 1; "the second wall" in section c), lines 3 and 4; "the signal section" (5X) in section c), line 4, section d), subsection (6), lines 1 and 2, sub-subsection (A), line 2, sub-subsubsection (E), lines 1 and 2, and sub-subsubsection (E), sub-sub-subsubsection (i), line 2; "the handle section" in section d), subsection (1), line 4; "the first wall" (2X) in section d), subsection (6), sub-subsubsection (A), line 1, and sub-subsubsection (E), sub-sub-subsubsection (i), lines 1 and 2; and, *["the body unit is in the

"unflexed condition" (2X) in sub-subsection (G), lines 7 and 8, and section e), lines 4 and 5; "the body unit is in the flexed condition" in sub-subsection (G), line 13, and section e), lines 12 and 13]*. There is insufficient antecedent basis for these limitations in the claim. Examiner has attempted to discover all instances, but caution should be used when revisiting and revising the claims for proper antecedent basis resolution. *Regarding the use of the flexed and unflexed condition above, while the intermediate member is a portion of what makes up the body unit, proper antecedent basis would dictate that the intermediate member is the only portion positively recited to be flexible between those two conditions, and not the body unit itself. Arguments in opposition to the examiner's assertion would be considered.

6. Claim 14 recites the limitation "the at least one signal device...is positioned in...the second container" in lines 1 – 6. There is insufficient antecedent basis for this limitation in the claim. Examiner notes that claim 10, section c), recites, "at least one signal device in the first container". There is no basis to broaden the limitation to include the second container.

Allowable Subject Matter

7. Claims 3 – 8 and 10 – 13 are allowed.

8. Claims 1, 2, 9 and 14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record discloses a fishing rod comprising a body unit as claimed, a power system as claimed, and a signal control system. However, the prior art of record neither discloses nor fairly teaches the recited limitations of the claimed invention including, but not limited to: a signal (light-emitting, sound-emitting, vibratory) element making an electrical connection upon flexing

of an electrically conductive pin and a coil spring relative to each other where electrical contact is made between these two elements during that flexing, and, subsequently broken when not flexing relative to each other.

10. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).

Conclusion

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (703) 306 – 0553. The examiner can normally be reached Monday through Friday from 5:30 am to 3:00 pm, Eastern Standard Time.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu, can be reached at (703) 305 – 7421. The fax number is (703) 872 – 9306.

bh

11/14/04



TERI PHAM LUU
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PRIMARY EXAMINER